

REMARKS

Claims 1-7 are pending in the present application. Claims 1-5 were objected to for informalities. Claims 1-3 were rejected under 35 U.S.C. §102 (b) as being unpatentable over Georges, U.S. Patent No. 4,248,498. Claims 4-5 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Georges in view of Official Notice. Claim 6 was rejected under 35 U.S.C. §103 (a) as being unpatentable over Georges. Claim 7 was rejected under 35 U.S.C. §103 (a) as being unpatentable over Georges in view of Hellmuth et al., U.S. Patent No. 5,795,295.

Claims 1, 4, 6 and 7 have been amended.

Amendments to the claims

Independent claims 1, 6 and 7 have been amended to recite “the ... abutment surface contact[s] the specimen slide in a region below an upper edge of the specimen slide.” Support for this amendment may be found, for example, at Fig. 4.

Independent claim 1 and dependent claim 4 have been amended to correct informalities.

It is respectfully submitted that no new matter has been added.

Objection to claims 1-5

Claims 1-5 were objected to for informalities. The Examiner has indicated that the phrase “for the specimen slide are form at the rim” is difficult to understand. Claim 1 has been amended to recite that flat support surfaces and at least one abutment surface are disposed at the rim. Support for this amendment may be found, for example, at Fig. 1. The Examiner has also indicated that claim 4 does not end with a period. Claim 4 has been amended to end with a period. Applicant thanks the Examiner for pointing these problems out.

Withdrawal of the objection to claims 1-5 is hereby respectfully requested.

Rejection under 35 U.S.C. §102 (b) to claims 1-3

Claims 1-3 were rejected under 35 U.S.C. §102 (b) as being unpatentable over Georges, U.S. Patent No. 4,248,498.

Georges describes an automatic microscope slide device having an end stop 27 which may be undercut at an angle to hold the specimen down. See Col. 5, lines 23-25.

Independent claim 1 of the present application, as amended, recites at least one abutment surface for a specimen slide "the at least one abutment surface contacting the specimen slide in a region below an upper edge of the specimen slide." It is respectfully submitted that Georges does not teach or suggest at least this feature of claim 1. In contrast, the end stop 27 of Georges contacts slide 12 at an upper edge of the slide, extending beyond the upper edge. See Fig. 6. This contacting at and extension beyond the upper edge of the slide is disadvantageous in that, when the slide is lifted upward to remove it, the upper edge/corner of slide 12 is pressed against the upper extension edge of end stop 27, which tends to hold that side of the slide in place and can cause the slide to break. With the recited abutment surface, when lifting slide 2 upward to remove it from baseplate 3 of holder 1, the side of the slide pressing against abutment surface 3c is able to tip about the region of contact with abutment surface 3c, as is apparent from Fig. 4. With the claimed device, the slide can thus be removed with a reduced chance of breakage. Georges does not provide nor suggest the above-recited feature of claim 1.

Because Georges is missing at least the above-recited feature of claim 1, it is respectfully submitted that Georges cannot anticipate this claim.

For at least the reasons stated above, withdrawal of the rejection of independent claim 1, as well as dependent claims 2-3, under 35 U.S.C. §102 (b) based on Georges is hereby respectfully requested.

Rejection under 35 U.S.C. §103 (a) to claims 4-5

Claims 4-5 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Georges in view of Official Notice.

As discussed above, Georges does not teach at least the “the at least one abutment surface contacting the specimen slide in a region below an upper edge of the specimen slide” feature of claim 1. Official Notice also does not teach this feature. Therefore a combination of Georges and Official Notice would not provide this feature.

Dependent claims 4-5 properly depend from, and therefore include all the limitations of, claim 1. As discussed above, claim 1 is patentable over Georges in view of Official Notice. Therefore dependent claims 4-5 are also patentable over such a combination.

Withdrawal of the rejection of claims 4-5 under 35 U.S.C. §103 (a) based on Georges in view of Official Notice, is hereby respectfully requested.

Rejection under 35 U.S.C. §103 (a) to claim 6

Claim 6 was rejected under 35 U.S.C. §103 (a) as being unpatentable over Georges.

Independent claim 6, as amended, recites an abutment surface for a specimen slide wherein “the first abutment surface contacts the specimen slide in a region below an upper edge of the specimen slide.” As discussed above with reference to claim 1, Georges does not teach or suggest at least this feature, recited in claim 6.

Based on at least the reasoning set forth above relative to claim 1, withdrawal of the rejection of claim 6 under 35 U.S.C. §103 (a) based on Georges is hereby respectfully requested.

Rejection under 35 U.S.C. §103 (a) to claim 7

Claim 7 was rejected under 35 U.S.C. §103 (a) as being unpatentable over Georges in view of Hellmuth et al., U.S. Patent No. 5,795,295.

Hellmuth et al. describes an OCT-assisted surgical microscope having a neurosurgical microscope 100 and a multi-coordinate manipulator (“MCM”). See Col. 3, lines 65-67 and Fig. 1.

Independent claim 7 of the present application, as amended, recites a microscope including an abutment surface for a specimen slide wherein "the first abutment surface contacts the specimen slide in a region below an upper edge of the specimen slide." As discussed above with reference to claim 1, Georges does not teach or suggest the "the first abutment surface contacts the specimen slide in a region below an upper edge of the specimen slide" feature, recited in claim 7. Nor does Hellmuth et al. teach or suggest this feature. Because neither of Georges or Hellmuth et al. teach this feature of claim 7, it is respectfully submitted that were these references to be combined (and it is respectfully submitted that there would be no motivation to do so), such a combination would not provide all the features of claim 7.

Based on at least the above reasoning, withdrawal of the rejection of claim 7 under 35 U.S.C. §103 (a) based on Georges in view of Hellmuth et al. is hereby respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

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